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Attorneys for Plaintiff CollegeNET, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

COLLEGENET, INC.,

Plaintiff,

v.

APPLYYOURSELF, INC., a Delaware corporation,

Defendant.

No. 02-cv-484-HU (LEAD CASE)
02-cv-1359-HU

**MOTION TO VACATE
INTERLOCUTORY ORDER
GRANTING DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT OF INVALIDITY
BASED ON COLLATERAL
ESTOPPEL AND TO ENTER
CONSENT JUDGMENT IN ITS
CURRENT FORM**

By Plaintiff CollegeNET, Inc.
Pursuant to Fed. R. Civ. P. 54(b)

ORAL ARGUMENT REQUESTED

1- COLLEGENET'S MOTION TO VACATE AND TO
ENTER CONSENT JUDGMENT

Plaintiff CollegeNET, Inc. moves the Court under Federal Rule of Civil Procedure 54(b) to vacate the Order granting Defendant's Motion for Summary Judgment of Invalidity Based on Collateral Estoppel [Dkt. No. 697] and to enter the Consent Judgment submitted to this Court on April 21, 2009 [Dkt. No. 720] in its current form. This motion is supported by a separately filed Memorandum and the Declaration of Scott D. Eads with Exhibits A-F thereto.

Pursuant to Local Rule 7.1, the Parties have conferred and Defendant ApplyYourself takes no position on this motion, but reserves the right to respond to it.

DATED: May 11, 2009.

Respectfully submitted,

PERKINS COIE LLP

/s/ Scott D. Eads

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2- COLLEGENET'S MOTION TO VACATE AND TO
ENTER CONSENT JUDGMENT